

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Monday, February 9, 2009
Place: Capitol

Time: 10 am
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 287

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

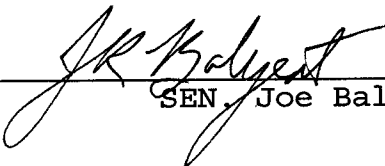
SB 269AA DPAA _____

SB 808 DP _____

SJ 10 DPAA _____

SB 295 Tabled _____

COMMENTS:



SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 2-9-09 Mon.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY	✓	
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓



SENATE STANDING COMMITTEE REPORT

February 9, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Joint Resolution 10** (first reading copy -- white) **do pass as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

And, that such amendments read:

1. Page 1.

Following: line 27

Insert: "(2) obtain workers' compensation coverage under Plan No.
2 insurers;"

Renumber: subsequent subsections

- END -

Committee Vote:

Yes 10, No 1

Fiscal Note Required ____

SJ0010001SC.smo

MO



SENATE STANDING COMMITTEE REPORT

February 9, 2009

Page 1 of 3

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 269** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Joe Balyeat, Chair

And, that such amendments read:

1. Title, page 1, line 10.

Following: "37-53-205,"

Insert: "37-53-301, 37-53-302,"

2. Title, page 1, line 11.

Strike: "37-53-301, 37-53-302,"

3. Page 3.

Following: line 14

Insert: "(18) "Timeshare salesperson" means a person who for a salary, commission, or compensation of any kind is associated with a timeshare development to sell, purchase, or negotiate for sale, purchase, lease, or exchange of the timeshare interests in real estate and who, on behalf of a developer, sells or offers to sell a timeshare to a purchaser."

Renumber: subsequent subsection

4. Page 3.

Following: line 28

Following: "(3) qualifications for applicants as provided in 37-53-301;

(4) continuing education requirements for renewal of a timeshare salesperson's license;"

Renumber: subsequent subsections

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

SB0269001SC.smo

mo

5. Page 6.

Following: line 7

Insert: "Section 7. Section 37-53-301, MCA, is amended to read:

"37-53-301. Licensure of ~~timeshare brokers and timeshare salespersons~~ -- licensee duties. (1) ~~(a)~~ A person offering timeshare units for his own account or for the account of others intervals in a project located in Montana must be licensed as a timeshare salesperson or timeshare broker and affiliated with at least one registered timeshare project unless the offering is exempt under 37-53-205.

(2) Licensure may be obtained upon:

~~(i)~~(a) upon completion of an application and personal disclosure statement and passage of an examination prescribed by the board demonstrating knowledge of the timeshare industry and this chapter;

(b) meeting the qualifications listed in subsection (3);

(c) demonstration to the board that the applicant is an individual of good repute and competent to transact the business of a timeshare salesperson in a manner that safeguards the interests of the public;

(d) payment of fees set by the department by rule; and

~~(ii)~~(e) upon successful completion of a course of education related to the timeshare industry that has been approved by the board.

~~(b) The board shall then issue a certificate of completion to the applicant.~~

~~(2) A person licensed as a real estate broker or salesperson under Title 37, chapter 51, may act as a timeshare salesperson or timeshare broker upon successful completion of a course of education related to the timeshare industry that has been approved by the board. The board shall then issue a certificate of completion to the applicant. No license other than that issued pursuant to Title 37, chapter 51, is required.~~

(3) An applicant for a timeshare salesperson license must:

(a) be at least 18 years of age; and

(b) have graduated from an accredited high school or completed equivalent education as determined by the board.

(4) The board shall issue a certificate of completion to an applicant who successfully completes the course of education provided for in subsection (1)(e) and may issue a license to an applicant meeting the qualifications and licensure provisions.

(5) A licensed timeshare salesperson shall notify the department of a change of affiliation within 10 days of the change, designate the new license affiliation, and pay all required fees.

(6) If a timeshare salesperson is no longer affiliated with a timeshare project, the timeshare salesperson shall notify the board that the license is inactive and pay the fees required by rule. A timeshare salesperson may reactivate an inactive license by filling out an application, listing a new affiliation, and paying all required fees."

"

Insert: "Section 8. Section 37-53-302, MCA, is amended to read:

"37-53-302. Denial, suspension, or revocation of license or application. The board may by an order deny, suspend, or revoke a timeshare salesperson's ~~or timeshare broker's~~ license or application for license if the board finds that the order is in the public interest and that the applicant or licensee:

(1) has filed an application for licensure ~~and personal disclosure statement~~ as a timeshare salesperson ~~or timeshare broker~~ that is incomplete in any material respect or contains any statement that is, ~~in the light of the circumstances under which it was made,~~ false or misleading with respect to any material fact;

(2) has violated or failed to comply with any provision of ~~this chapter, rules adopted under this chapter, or Title 37, chapter chapters 1, 51, and 53, or any rules adopted by the board~~ if the violation or the failure to comply related to the timeshare business;

(3) has been convicted of a felony ~~involving theft, fraud, or any consumer protection statute or a felony involving moral turpitude and related to the occupation of timeshare salesperson or timeshare broker~~ unless the provisions of Title 37, chapter 1, part 2, are met;

(4) is permanently or temporarily enjoined by a court from engaging in or continuing any conduct or practice involving an aspect of the timeshare business;

(5) has engaged in dishonest or unethical practices related to public health, welfare, and safety in the timeshare business; or

(6) has not complied with any condition imposed by the board ~~or is not qualified on the basis of knowledge of the timeshare industry or this chapter.~~""

Renumber: subsequent sections

6. Page 9, line 2 through line 3.

Strike: "37-53-301," on line 2 through "37-53-302," on line 3

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED SB 295, by motion, on **Monday, February 9, 2009**.

Linda Keim
(For the Committee)

Sam Austin
(Secretary of the Senate)

1:30 1/9
(Time) (Date)

February 9, 2009

Linda J. Keim, Secretary

Phone: 444-4772



SENATE STANDING COMMITTEE REPORT

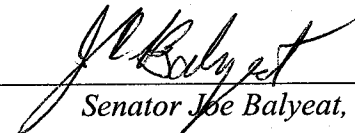
February 9, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 308** (first reading copy -- white) **do pass**.

Signed: _____


Senator Joe Balyeat, Chair

- END -

Committee Vote:

Yes 9, No 2

Fiscal Note Required ☐

SB0308001SC.smo

MD

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-9-09 BILL NO. _____ MOTION NO. _____

MOTION: SB 295AA

Failed 5-6

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON		✓	<i>pr</i>
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		<i>pr</i>
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR JOE BALYEAT, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-9-09 BILL NO SB295 MOTION NO. _____
 MOTION: _____

Table 295AA

Carried 7-4

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		<i>pr</i>
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY		✓	<i>pr</i>
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-9-09 BILL NO SB308 MOTION NO. _____

MOTION: _____
SB 308

Carried 9-2

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		<i>pr</i>
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		<i>pr</i>
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN		✓	

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SJR10 AMEND	✓	
SJR 10 AS AMENDED	✓	
SB 269 AMEND	✓	
SB 269 AS AMENDED	✓	
SB 295 AMEND	✓	
SB 295 AS AMENDED	✓	
SB 295 ^{TD} TABLE		✓
SB 308	✓	

BILL/AMENDMENT AYE NO

Sen. _____

(Signature)

Date

2/9/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business & Labor Committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SSR 10	X	
Amendment	X	
SB 269	X	
Amendment ^{SB026901}	X	
SB 295		X
Amendment ^{SB029501}	X	
SB 308	X	
SB 295 to Table	X	

BILL/AMENDMENT	AYE	NO

Sen. 

(Signature)

Date 2/9/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Business + Labor committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

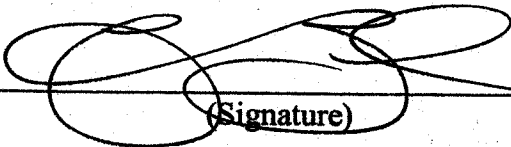
AYE NO

SJR 10	X	
Amendment		

BILL/AMENDMENT

AYE NO

Sen.


(Signature)

Date

2/9/09

MONTANA STATE SENATE
Visitors Register

Page 1

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-9-09

Bill No. SB 287 Sponsor(s) Balyeat

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Juliette Bourma ^{4785 Herford Lane} Stev ⁵⁹⁸⁷⁰ - SELF	SELF	✓		
Nancy Agenes	Alternative Health Care Board		X	
SCOTT HANSING	CHIROPRACTIC BOARD		X	
Pat Bo Clinga	MT Bd of Medical Ex ^{amin}		X	
DEAN CENTER	SELF		X	
Bonnie Mickelson	Bonnie Reflexology ^{SELF}	✓		
David G. Pyzi	Hands From Heart ^{massage}		X	
STACY BAIRD	ATOUCH OF RELAXATION		X	
Robert Brusetta	BEZT / N.S.P. products	✓		
Barbara Tack	SELF	✓		
Kristen Hill	SELF	✓		
Linda Peterson	SELF	✓		
Linda Oyama	SELF	✓		
Phyllis Liergaard	SELF	✓		
Sharon Dalbey	SELF	✓		
Tim DALBEY	SELF	✓		
Cathleen Lucas	SELF		X	
LINDA LEMIRE	SELF		X	
Jena Silva	Jeanette Cheney ^{and self}	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

page 2

Date 2-9-02

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-9-09

Bill No. SB 287 Sponsor(s) Balyeat

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Name and Address	Representing	Support	Oppose	Inf.
DIANE Allen	MONT. P.T. ASSOC.		✓	
Rachel Romanelli	Self		✓	
Arin St. Cyr	Self		✓	
Lori Morin	MPA		✓	
Tony King	MPA		✓	
Bill Younger	Myself	✓		
Heather Dunbar		✓		
Justin M. Brown	Self		✓	
LS	Self		✓	
Nicole Methot	Self & ABMP		✓	
Ellen BENCH	Classical Massage	✓		
Erin Maclean	MT Medical Assoc.		✓	
Margaret Morgan	Physical Therapists		✓	
Ed BARTLETT	AMERICAN MASSAGE ASSN		X	
Deb Kimmert	MT Health Freedom	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.